



17 FEB 2006

William D. Lee  
McNair Law Firm, P.A.  
P.O. Box 10827  
Greenville, SC 29603-0827

In re Application of  
McPHEELY et al.  
U.S. Application No.: 10/531,332  
PCT No.: PCT/US03/33991  
Int. Filing Date: 24 October 2003  
Priority Date: 25 October 2002  
Attorney Docket No.: 036628.00004  
For: DIGITAL DIAGNOSTIC VIDEO  
SYSTEM FOR MANUFACTURING AND  
INDUSTRIAL PROCESSES

RECEIVED  
FEB 21 2006

McNair Law Firm, P.A.

DECISION ON PETITION  
UNDER 37 CFR 1.47(a)

McNair Docketing

Date Due: 4-17-06  
Initials: JAB

This decision is in response to applicants' "Petition under Rule 47 Where one of the Joint Inventors Refuses to Sign a Declaration of Inventorship" filed 28 December 2005, which is being treated as a petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Michael S. O'Dea.

### BACKGROUND

On 24 October 2003, applicants filed international application PCT/US03/33991 which claimed a priority date of 25 October 2002. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 25 April 2005.

On 14 April 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, *inter alia*: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an unexecuted declaration of inventors.

On 08 September 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 28 December 2005, applicants filed a Petition under 37 CFR 1.47(a).

### DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the

missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor. Items (1) and (4) have been satisfied.

Regarding item (2) above, petitioner states that Michael S. O'Dea has refused to sign the application. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

A review of the present petition reveals that petitioner has not shown that a bona fide attempt was made to present the application papers (specification, claims, drawings and oath/declaration) to Michael S. O'Dea. The declaration of Cort Flint states that Michael S. O'Dea has orally refused to sign the application. However, the declaration is unclear as to whether the oral refusal was made to Cort Flint or a third party. Further, a refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he is being asked to sign and refuses to accept the application papers.

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, and drawings) were sent to Michael S. O'Dea, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

Regarding item (3) above, petitioner has not provided a clear statement of the last known address of the non-signing inventor.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Michael S. O'Dea under 37 CFR 1.47(a) at this time.

### CONCLUSION

The petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

~~If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.~~

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3298  
Fax: (571) 273-0459

# MCNAIR LAW FIRM, P.A.

INTELLECTUAL PROPERTY GROUP  
ATTORNEYS AND COUNSELORS AT LAW

WILLIAM D. LEE, JR.  
[blee@mcnair.net](mailto:blee@mcnair.net)  
Special Counsel

BANK OF AMERICA PLAZA  
7 NORTH LAURENS STREET, SUITE 900  
GREENVILLE, SOUTH CAROLINA 29601

[www.mcnair.net](http://www.mcnair.net)

POST OFFICE BOX 10827  
GREENVILLE, SOUTH CAROLINA 29603  
TELEPHONE (864) 232-4261  
FACSIMILE (864) 232-4437

February 23, 2006

**Certified Mail – Return Receipt Requested**  
**No. 7160 3901 9842 8513 8232**

Mr. Michael S. O'Dea  
18 Campbell Road  
Bedford, NH 03110

**ACTION REQUIRED BY 3-8-06**

RE: HERO International  
036628.00004 - Digital Diagnostic Video System for Manufacturing and  
Industrial Processes  
Ser. No. 10/531,332; Filed: 04/14/05

Dear Mr. O'Dea:

Enclosed is a Declaration for your signature as a joint inventor and return to us for the above National Phase, U.S. patent application. Included with the Declaration are a copy of the application, the claims, and the drawings so that you can identify the invention.

Mr. Cort Flint of our firm reported that in a phone conversation on November 11, 2005, you had told him that you would not sign the Declaration. However, we are sending the application to you so you can see what it actually is and to give you the opportunity to sign the Declaration in the event there might have been some misunderstanding about what you were requested to sign. The Declaration should be signed at the red check mark. Mr. Cantrell and Mr. McPheeley have already signed the Declaration as you can see.

Furthermore, you may recall that on October 24, 2003 you did sign an assignment of your rights in the invention described in this application to Hero International. However, for this U.S. application your signature is needed on the Declaration as well.

We are additionally enclosing an envelope with postage so that you can return the Declaration to us. You need only return the Declaration with your signature.

Please sign and return the Declaration as soon as possible to us. If we have not received the signed Declaration within 10 days from the day you received it, we will conclude that you have confirmed your refusal to sign.

TechAttorney®

ANDERSON • CHARLESTON • CHARLOTTE • COLUMBIA • GEORGETOWN • GREENVILLE • HILTON HEAD ISLAND • MYRTLE BEACH • RALEIGH

GREENVILLE 222051v1

**EXHIBIT A**

Mr. Michael S. O'Dea  
February 23, 2006  
Page 2

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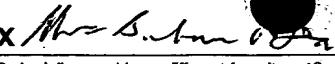
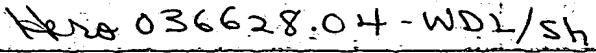
If you have any questions, please do not hesitate to call, fax or e-mail me at the  
below listed address.

Very truly yours,

William D. Lee, Jr.  
Special Counsel  
McNair Law Firm, P.A.  
7 North Laurens Street, Suite 900 (29601)  
P.O. Box 10827  
Greenville, SC 29603-0827  
Telephone: (864) 232-4261  
Facsimile: (864) 232-4437  
E-Mail: [blee@mcnair.net](mailto:blee@mcnair.net)

WDL:sth

Enclosures: Specification  
Claims  
Drawings

2. Article Number		COMPLETE THIS SECTION ON DELIVERY		
 7160 3901 9842 8513 8232		A-1 (Indicate if delivery is to be made to a post office box or to a residence) <input type="checkbox"/> Post Office Box <input type="checkbox"/> Residence <b>Mrs Barbara O'Dea</b> <input type="checkbox"/> Post Office Box <input type="checkbox"/> Residence Date of Delivery <b>3/6/06</b>		
3. Service Type <b>CERTIFIED MAIL</b>		C. Signature		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No		
1. Article Addressed to:		 <b>RECEIVED</b> MARK - 9 2006 <b>McNair Law Firm, P.A.</b>		
Mr. Michael S. O'Dea 18 Campbell Road Bedford, NH 03110				
PS Form 3811, February 2004		Domestic Return Receipt		
 03662804-WDL/sh				

**EXHIBIT B**

**BEST AVAILABLE COPY**

Michael S. O'Dea  
18 Campbell Road  
Bedford NH, 03110  
March 9, 2006

**RECEIVED**  
MAR 17 2006

William D Lee Jr.  
Special Counsel  
McNair Law Firm, P. A.  
7 North Street, Suite 900 (29601)  
P.O. Box 10827  
Greenville, SC 29603-0827

McNair Law Firm, P.A.

Mr. Lee (Jr):

What I told Mr. Cort Flint during our brief conversation on November 11, was:

- a. That neither I or STI has any interest in investing time or money into the HERO product,
- b. That having waived all STI's rights to this intellectual property, I do not believe I am under any obligation to continue supporting the pursuit of this patent.

Frankly I do recall signing an assignment of rights to this intellectual property. Further I have a copy of the original patent submission I signed. However, I do not recall signing any documents that created an ongoing "Joint Venture" between Hartness and STI. .

What you probably do not remember is that I signed these documents in October of 2003 in lieu of Jay Bortolussi, signing them. The documents were Faxed to STI's office in North Andover Ma. Then hand delivered by Kevin Hall to me at another customers site in Littleton Ma. Without proper legal counsel I reviewed the 65 pages of documents in an hour or so and signed them as one of the technical staff who had produced "the" claim included in the long process- patent. Kevin then whisked the documents off to Fed Ex at your firm's insistence that they be returned immediately.

The time line for your new proposed transaction seems quite similar:

- a. A conversation on November 11, 2005.
- b. Followed by a letter on February 23, 2006
- c. Demanding a response by 3-8-06
- d. Citing an obligation allegedly created October 24, 2003 with no supporting documents.

The cliché "lack of planning on your part, does not constitute an emergency on my part" certainly comes to mind.

From STI's business perspective:

Hartness has not purchased anything significant from STI in over a year.

All of the software and the hardware STI did provided Hartness is long out of warranty. STI has not updated the HERO software since completing the product.

In short I do not understand why Hartness believes STI or I have any obligation to support this product or this patent.

Let me suggest a more reasonable course of action:

- a. Provide me whatever document or documents I have signed that you believe obligates me to continue supporting this patent application process.
- b. I will deliver this material to my legal counsel and get an opinion regarding the merits of your request.
- c. I will let you know within 15 business days from when I receive the documents as to whether I believe I have an obligation to support your application for patent.
- d. If I do indeed determine that I have an obligation to support this effort I will:
  - a. Obtain from the patent office a copy of the original submission so that
  - b. I might compare it to the current document you have provided me.
  - c. If I find no objections to the changed portions of the application I will most certainly sign the disclosure documents.

But let me be quite frank; If I do have an obligation to continue to be part of this process:

- a. It is because of an oversight on my part in the first place.
- b. Due largely to expediting the original documents for Hartness.
- c. In response to a request from your law firm.
- d. I do not intend to continue to conduct business in this manner.

Very Truly Yours



Michael O'Dea

**DECLARATION FOR PATENT APPLICATIONS  
AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **DIGITAL DIAGNOSTIC VIDEO SYSTEM FOR MANUFACTURING AND INDUSTRIAL PROCESSES** the specification of which is attached hereto.

I have reviewed and understand the contents of the above specification, including the claims. I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

**Application Priority**

Provisional

I hereby claim the benefit under Title 35, United States Code, §§ 119 of any United States provisional application listed below:

<b>Application Number</b>	<b>Filing Date</b>
60/421,492	10/25/2002

**Power of Attorney**

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Cort Flint, Registration No. 27,260; and/or William D. Lee, Jr., Registration No. 22,660; and/or Douglas W. Kim, Registration No. 44,828; and/or Henry S. Jaudon, Registration No. 34,056; and/or John A. Demos, Registration No. 52,809; and/or Seann P. Lahey, Registration No. 51,910, of the McNAIR LAW FIRM, Post Office Box 10827, Greenville, South Carolina 29603-0827. Please address all correspondence and telephone calls to: Cort Flint, Telephone Number (864) 232-4261.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of  
first inventor

Bernard M. McPheeley

Residence:

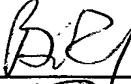
303 Golden Wings Way  
Greer, SC 29650

Post Office Address:

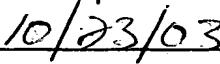
303 Golden Wings Way  
Greer, SC 29650

Citizenship:

USA

  
Inventor's Signature

Date

  
10/23/03

X

X

Full name of  
second inventor:

J. Bruce Cantrell, Jr.

Residence:

120 Odom Circle  
Greenville, SC 29611

Post Office Address:

120 Odom Circle  
Greenville, SC 29611

Citizenship:

USA

  
Inventor's Signature

Date

Full name of  
third inventor

Michael S. O'Dea

Residence:

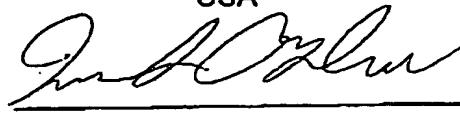
18 Campbell Road  
Bedford, NH 03110

Post Office Address:

18 Campbell Road  
Bedford, NH 03110

Citizenship:

USA



X

Inventor's Signature

OCT, 24, 2003

X

Date

Full name of  
third inventor

Michael S. O'Dea

Residence:

18 Campbell Road  
Bedford, NH 03110

Post Office Address:

18 Campbell Road  
Bedford, NH 03110

Citizenship:

USA



Inventor's Signature

OCT, 24, 2003

Date

X

X

Sheet No. 5

## Box No. IX CHECK LIST; LANGUAGE OF FILING

This international application contains:  
(a) In paper form, the following number of sheets:

request (including declaration sheets) : 5  
description (excluding sequence listings and/or tables related thereto) : 48  
claims : 37  
abstract : 1  
drawings : 18

Sub-total number of sheets : 109

sequence listings :  
tables related thereto :

(for both, actual number of sheets if filed in paper form, whether or not also filed in computer readable form; see (c) below)

Total number of sheets : 109

(b)  only in computer readable form (Section 801(a)(i))(i)  sequence listings(ii)  tables related thereto(c)  also in computer readable form (Section 801(a)(ii))(i)  sequence listings(ii)  tables related thereto

Type and number of carriers (diskets, CD-ROM, CD-R or other) on which are contained the

 sequence listings: ..... tables related thereto: .....

(additional copies to be indicated under items 9(ii) and/or 10(ii), in right column)

This international application is accompanied by the following item(s) (mark the applicable check-boxes below and indicate in right column the number of each item):

1.  fee calculation sheet
2.  original separate power of attorney
3.  original general power of attorney
4.  copy of general power of attorney, reference number, if any: .....
5.  statement explaining lack of signature
6.  priority document(s) identified in Box No. VI as item(s): .....
7.  translation of international application into (language): .....
8.  separate indications concerning deposited microorganism or other biological material
9.  sequence listings in computer readable form (Indicate type and number of carriers)
  - (i)  copy submitted for the purposes of international search under Rule 13ter only (and not as part of the international application)
  - (ii)  (only where check-box (b)(i) or (c)(i) is marked in left column) additional copies including, where applicable, the copy for the purposes of international search under Rule 13ter
  - (iii)  together with relevant statement as to the identity of the copy or copies with the sequence listings mentioned in left column
10.  tables in computer readable form related to sequence listings (Indicate type and number of carriers)
  - (i)  copy submitted for the purposes of international search under Section 802(b-quater) only (and not as part of the international application)
  - (ii)  (only where check-box (b)(ii) or (c)(ii) is marked in left column) additional copies including, where applicable, the copy for the purposes of international search under Section 802(b-quater)
  - (iii)  together with relevant statement as to the identity of the copy or copies with the tables mentioned in left column
11.  other (specify): .....

Number of items

Figure of the drawings which should accompany the abstract: Figure 2

Language of filing of the international application: English

Box No. X SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE  
Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).

Cort Flint, Agent

Bernard M. McPhee, Applicant and Inventor  
  
Bruce Gantek, Jr. Applicant and Inventor  
  
Michael S. O'Dea, Applicant and Inventor

For receiving Office use only

1. Date of actual receipt of the purported international application:

3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:

4. Date of timely receipt of the required corrections under PCT Article 11(2):

5. International Searching Authority (if two or more are competent): ISA /

6.  Transmittal of search copy delayed until search fee is paid

2. Drawings:

 received: not received:

For International Bureau use only

Date of receipt of the record copy by the International Bureau:

See Notes to the request form

Form PCT/R0/101 (last sheet) (January 2003; reprint July 2003)

EXHIBIT E

BEST AVAILABLE COPY

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration Submitted With Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	036628.00004
First Named Inventor	McPheeley, Bernard M., et al.
<b>COMPLETE IF KNOWN</b>	
Application Number	10/531,332
Filing Date	04/14/05
Art Unit	
Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**DIGITAL DIAGNOSTIC VIDEO SYSTEM FOR MANUFACTURING AND INDUSTRIAL PROCESSES**

*(Title of the Invention)*

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY)

04/14/2005

as United States Application Number or PCT International

Application Number

10/531,332

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	Certified Copy Attached? NO
PCT/US03/33991	PCT	10/24/2003	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

**EXHIBIT E**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## DECLARATION — Utility or Design Patent Application

Direct all correspondence to:  The address associated with Customer Number: 27863 OR  Correspondence address below

Name

Address

City

State

ZIP

Country

Telephone

Email

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**NAME OF SOLE OR FIRST INVENTOR:**  A petition has been filed for this unsigned inventor

Given Name (first and middle [if any]) Family Name or Surname

Bernard M.

McPheeley

Inventor's Signature Date

Residence: City Greer	State SC	Country USA	Citizenship USA
--------------------------	-------------	----------------	--------------------

Mailing Address  
303 Golden Wings Way

City Greer	State SC	Zip 29650	Country USA
---------------	-------------	--------------	----------------

Additional inventors or a legal representative are being named on the 1 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## DECLARATION

ADDITIONAL INVENTOR(S)  
Supplemental Sheet

Page 1 of 1

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
J. Bruce (Jr.)		Cantrell	
Inventor's Signature		Date	
Greenville Residence: City	SC State	USA Country	USA Citizenship
120 Odom Circle			
Mailing Address			
Greenville City	SC State	29611 Zip	USA Country
Name of Additional Joint Inventor, if any:		<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Michael S.		O'Dea	
Inventor's Signature		Date	
Bedford Residence: City	NH State	USA Country	USA Citizenship
18 Campbell Road			
Mailing Address			
Bedford City	NH State	03110 Zip	USA Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.**

## **DECLARATION – Supplemental Priority Data Sheet**

### Foreign applications:

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.*

## ASSIGNMENT

WHEREAS, I, Michael S. O'Dea, 18 Campbell Road, Bedford, NH 03110, have invented certain new and useful improvements in a DIGITAL DIAGNOSTIC VIDEO SYSTEM FOR MANUFACTURING AND INDUSTRIAL PROCESSES for which a patent application executed October 24 2003 is about to be filed; and

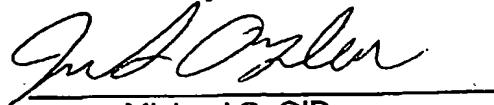
WHEREAS, HERO International, LLC, a South Carolina limited liability corporation, having a place of business at 1200 Garlington Road, Greenville, SC 29615, is desirous of acquiring the entire right, title and interest in and to said invention, and in and to any Letters Patent that may be granted therefor in the United States and in any and all foreign countries;

NOW THEREFORE, In consideration of the sum of Five Dollars (\$5.00), to me in hand paid, the receipt and sufficiency of which is hereby acknowledged, and other good and valuable consideration, I, the aforesaid have sold, assigned and transferred, and by these presents do sell, assign and transfer unto said HERO International, LLC, its successors and assigns, the full and exclusive right to the said invention in the United States and its territorial possessions, and in all foreign countries, and the entire right, title and interest in and to any and all Letters Patent of the United States and its territorial possessions, and in any and all foreign countries to be obtained therefor on said invention or any continuation, continuation-in-part, division, renewal, substitute or reissue, or reexamination thereof for the full term or terms for which the same may be granted.

I hereby authorize and request the Patent Office to issue any and all of said Letters Patent, when granted, to HERO International, LLC as the assignee of my entire right, title and interest in and to the same.

Further, I will communicate to HERO International, LLC any facts known to me respecting said invention, and testify in any legal proceedings, sign all lawful papers, make all rightful oaths, and generally do everything possible to aid said HERO International, LLC, its successors and assigns, to obtain and enforce proper protection for said invention in the United States, and in any and all foreign countries.

24 IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this day of OCTOBER, 2003.

  
\_\_\_\_\_  
Michael S. O'Dea

X

GREENVILLE 179913v1

EXHIBIT G

**JC10 Rec'd PCT/PTO 14 APR 2005**

The Stamp of the PTO hereon acknowledges receipt of the following:

Transmittal Letter, in duplicate; 47 Pages of Specification, Claims and Abstract; 18 Sheets of Formal Drawings; Declaration for Patent Applications and Power of Attorney, unsigned; Transmittal Letter to the U.S. Designated/Elected Office Concerning a Submission Under 35 USC 371 (PTO-1390); and Return Receipt Postcard

Re: McPheeley, Bernard M., et al

Application Priority of U.S. Serial No.: 60/421,492; Filed Oct. 25, 2002

And PCT/US0303391; Filed: Oct. 24, 2003

For: DIGITAL DIAGNOSTIC VIDEO SYSTEM FOR

MANUFACTURING AND INDUSTRIAL PROCESSES

Docket No.: 036628.00004

HERO

JAD:jsm

Date mailed: 4-14-05

**101531332**

**JC10 Rec'd PCT/PTO 14 APR 2005**